

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH LUCCHESI,  
Plaintiff,

v.

DAY & ZIMMERMAN GROUP,  
Defendant.

:  
:  
:  
:  
:  
:  
:

CIVIL ACTION

No. 10-4164

**FILED**

APR 21 2011

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 20<sup>th</sup> day of April, 2011, upon consideration of Defendant Day & Zimmerman's Motion to Dismiss the Complaint (Docket No. 4), it is hereby **ORDERED** that the Motion is **GRANTED in PART** and **DENIED in PART**. Specifically, the Motion is granted with regard to Count II of the Complaint, and denied with regard to Counts I, III and IV.

It is further **ORDERED**, upon consideration of Plaintiff Joseph Lucchesi's Motion to Amend the Complaint (Docket No. 11), that the Motion to Amend is **GRANTED**, and Mr. Lucchesi shall be permitted to amend his Complaint to include factual allegations relating to his filing of an intake questionnaire with the Equal Employment Opportunity Commission, asserting a claim of retaliation, on or around March 24, 2010.

BY THE COURT:



GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE